

**ENTERED**

February 28, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JOHN JEFFREY MALONE,

Plaintiff,

VS.

107TH DISTRICT COURT,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:24-CV-175

**ORDER**

Plaintiff John Jeffrey Malone served 575 days in prison after a Texas state court sentenced him based on an indictment that the court had previously dismissed. The Texas Court of Criminal Appeals vacated his conviction on the grounds that the dismissal deprived the trial court of jurisdiction to later sentence Malone. *See Ex parte Malone*, No. WR-91,899-01, 2021 WL 358637, at \*1 (Tex. Crim. App. Feb. 3, 2021). Malone has sued the sentencing court, the 107th District Court of Cameron County, Texas, seeking damages for his wrongful incarceration.

A United States Magistrate Judge recommends that the Court dismiss Malone's claims, based on absolute judicial immunity. (R&R, Doc. 25, 1 (explaining that Malone "cannot sue the 107th District Court for the judicial acts surrounding sentencing him to prison in Texas"))

Malone filed timely objections, in which he criticizes his trial attorney's conduct and contends that his "claim is for being illegally held for 575 days and nothing more." (Objs., Doc. 28, 2) He does not, however, address the doctrine of absolute judicial immunity, which forms the basis of the Report and Recommendation. District courts apply clear error review for portions of a Report and Recommendation to which a party does not object. *See* 28 U.S.C. § 636(b)(1); *Cao v. BSI Fin. Servs., Inc.*, 858 F. App'x 156, 158 (5th Cir. 2021) ("[T]he district court properly applied a *de novo* standard to the parts of the magistrate judge's opinion to which a party had objected and reviewed only for clear error those portions to which no party objected.").

The Court finds that the Report and Recommendation contains no clear error and correctly applies the doctrine of absolute judicial immunity to Malone's allegations. As a result, the Court **OVERRULES** John Jeffrey Malone's objections and **ADOPTS** the Report and Recommendation (Doc. 25).<sup>1</sup> As a result, it is:

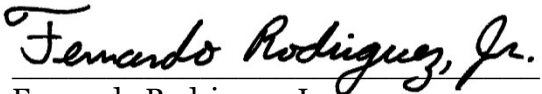
**ORDERED** that all causes of action that John Jeffrey Malone alleges under federal law are **DISMISSED WITH PREJUDICE** on the basis of absolute judicial immunity.

This is a final and appealable order.

Each party shall be responsible for its own fees and costs.

The Clerk of Court is directed to close this case.

Signed on February 28, 2025.

  
Fernando Rodriguez, Jr.  
United States District Judge

---

<sup>1</sup> The Court would reach the same conclusion under *de novo* review.